

ORDINANCE NO. 2021-100

ORDINANCE REZONING FROM R-1 (ONE-FAMILY DISTRICT) TO R-2 (ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT); GRANTING A VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF A DUPLEX ON A SUBSTANDARD LOT WITH FRONTAGE OF 60.02 FEET, WHERE 75 FEET ARE REQUIRED; AND ALLOW LOT COVERAGE OF 31.7%, WHERE 30% IS THE MAXIMUM ALLOWED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544 AND 98-2056(b)(2). **PROPERTY LOCATED AT 1480 WEST 37 STREET, HIALEAH ZONED R-1 (ONE-FAMILY DISTRICT).** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 25, 2021 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1. The below-described property, is hereby rezoned from R-1 (One-Family District to R-2 (One-and Two-Family Residential District).

Section 2. The below-described property is hereby granted a variance permit to allow the construction of a duplex on a substandard lot having a frontage of 60.02 feet, where 75 feet frontage are required, contra to Hialeah Code of Ordinances § 98-544 that as relevant provides: “The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel of land ... Such parcels or lots shall have an average width of at least 75 feet...”; allow lot coverage of 31.7%, where 30% is the maximum allowed, contra to Hialeah Code of Ordinances § 98-2056(b)(2) that provides: “A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure.”. Property located at 1480 West 37 Street, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

Lots 29 and 30, Block 64-B, of HIALEAH THIRTEENTH ADDITION AMENDED PLAT REVISED, according to the Plat thereof, as recorded in Plat Book 34, at Page 26, of the Public Records of Miami-Dade County, Florida.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative e adjudication and revocation of licenses or permits.

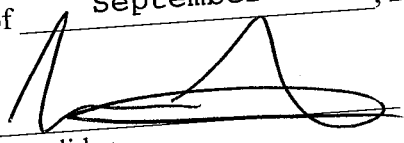
Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

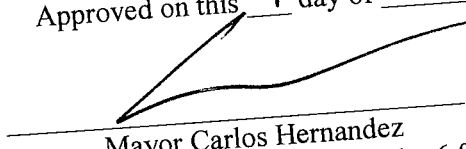
Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

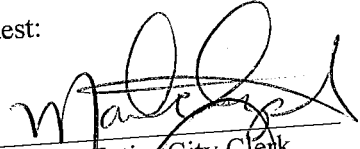
PASSED and ADOPTED this 28 day of September, 2021.


Jesus Tundidor
Council President

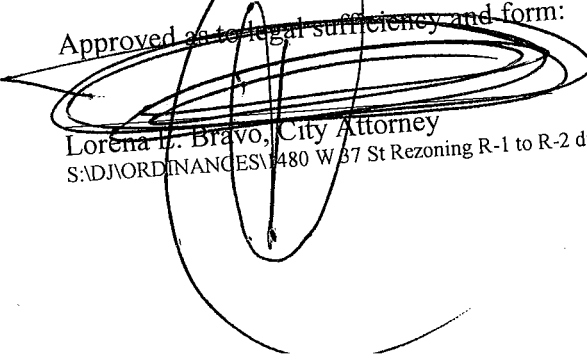
Approved on this 7 day of October, 2021.


Mayor Carlos Hernandez
Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and Council Member Hernandez absent.

Attest:


Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:


Lorena B. Bravo, City Attorney
S:ADJORDINANCES\480 W 37 St Rezoning R-1 to R-2 duplex sul